

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARK ENGLISH, as owner of the
2009 Formula 370 Super Sport
(HIN: TNRD7738K809) Its
Engines, tackle, Appurtenances,
Equipment, etc., in a cause of
exoneration from or limitation of
liability,

Plaintiff,

v.

Case No.: 2:23-cv-480-SPC-KCD

POTENTIAL UNKNOWN
CLAIMANTS,

Defendant.

_____ /

ORDER

This action concerns an incident that occurred on or about September 28, 2023, on the navigable waters of Lee County, Florida. In June 2023, Plaintiff Mark English filed a complaint for exoneration or limitation of liability. Thereafter, the court approved the interim security and directed notice to all potential claimants. And on pain of default, the court directed all potential claimants to file their claims or answers by August 7, 2023. (Doc. 6.)

The deadline for receipt of claims and answers expired and only Joseph Noonan answered. (Doc. 15.) Consequently, non-appearing potential unknown claimants have been declared in default. (Doc. 20.) And by defaulting for failing

to answer, all non-appearing claimants admit that plaintiff is entitled to exoneration. Fed. R. Civ. P. 8(b)(6) (“An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied.”).

Plaintiff has complied with the Civil Rules, the Supplemental Rules, and the court’s Admiralty and Maritime Practice Manual. Accordingly, his unopposed motion for default judgment (Doc. 21) is **GRANTED** and the clerk is directed to enter a default judgment of exoneration in favor of plaintiff against the non-appearing potential claimants.

ORDERED in Fort Myers, Florida on August 21, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record